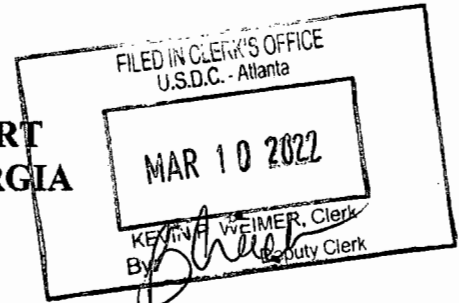


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
DIVISION



Tabitha Okon
(Print your full name)

Plaintiff *pro se*,

v.

Nightingale Services Inc.

(Print full name of each defendant; an
employer is usually the defendant)

Defendant(s).

CIVIL ACTION FILE NO.

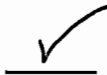
1:22-CV-0997

(to be assigned by Clerk)

PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM

Claims and Jurisdiction

1. This employment discrimination lawsuit is brought under (check only those that apply):



Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

NOTE: To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

_____ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

NOTE: To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

_____ Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

NOTE: To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

_____ Other (describe) _____

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. Plaintiff. Print your full name and mailing address below:

Name

Tabitha O'Brien

Address

4980 Wolfcreek View

Atlanta Georgia 30349

4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:

Name

Nightingale Services Inc.

Address

9100 White Bluff Rd. #310

Savannah Georgia 31406

Name

Address

Name

Address

Location and Time

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

Marietta Area Office

Marietta Georgia

6. When did the alleged discrimination occur? (State date or time period)

June 23 2020 until termination July 2020

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

12.14.21

9. If you are suing for **age discrimination**, check one of the following:

☐ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☐ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

☐ Yes

☐ No

☒ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

☐ Yes

☐ No

☒ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

Nature of the Case

12. The conduct complained about in this lawsuit involves (check only those that apply):

☐ failure to hire me
☒ failure to promote me
☐ demotion
☒ reduction in my wages
☒ working under terms and conditions of employment that differed from similarly situated employees
☐ harassment
☒ retaliation
☒ termination of my employment
☐ failure to accommodate my disability
☐ other (please specify) _____

13. I believe that I was discriminated against because of (check only those that apply):

☒ my race or color, which is African American
☐ my religion, which is _____
☐ my sex (gender), which is _____ male _____ female
☐ my national origin, which is _____
☐ my age (my date of birth is _____)
☐ my disability or perceived disability, which is: _____

☐ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation

☐ other (please specify) _____

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

Nightingale Services Inc. (Nightingale) discriminated against me and treated me in a disparate manner due to my race African American and retaliated against me for reporting discriminatory conduct in the workplace. On June 23 2020 I was in a meeting with Jason Tippet (Caucasian) Care Coordinator and other members of management. During the meeting Mr. Tippet stated he was going to get in his soapbox and proceeded to say "George Floyd was a felon and his choices are probably what got him there and if you choose to be lazy like most African Americans choose to be then that is going to happen to you. Just like gay white men like to make excuses and act like little babies." Shortly thereafter I emailed Lucas Laramore (Caucasian) Human Resources to complain about Mr. Tippet's discriminatory comments. Mere days later Nightingale terminated my employment under pretext. It is clear Nightingale terminated my employment due to its discriminatory animus towards my race and in retaliation for engaging in protected activity.

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

15. Plaintiff ✓ still works for defendant(s)
no longer works for defendant(s) or was not hired

16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? _____ Yes _____ No

If you checked "Yes," please explain: N/A

17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? _____ Yes _____ No

Request for Relief


As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

- ✓ Defendant(s) be directed to drop any counter suit against myself
or entities
- ✓ Money damages (list amounts) \$10,000 loss wages, emotional
damage
- ✓ Costs and fees involved in litigating this case
- ✓ Such other relief as may be appropriate

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 10 day of March, 20 22


(Signature of plaintiff *pro se*)

Tabitha Oben
(Printed name of plaintiff *pro se*)

4980 Wolfcreek View
(street address)

Atlanta Ga 30349
(City, State, and zip code)

tabithaoben@gmail.com
(email address)

4048551725
(telephone number)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mrs. Tabitha Obienu		Home Phone (Incl. Area Code) (216) 414-0788	Date of Birth 07/24/1990
Street Address 4980 Wolfcreek View, Atlanta, GA 30349		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Nightingale Services Inc.		No. Employees, Members 200	Phone No. (Include Area Code) (912) 355-6472
Street Address 9100 White Bluff Rd #310, Savannah, GA 31406		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 06/23/2020 07/02/2020 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>Statement of Harm: Nightingale Services Inc ("Nightingale") discriminated against me and treated me in a disparate manner due to my race, African American, and retaliated against me for reporting discriminatory conduct in the workplace.</p> <p>On June 23, 2020, I was in a meeting with Jason Tippet (Caucasian), Care Coordinator, and other members of management. During the meeting, Mr. Tippet stated he was going to get in his "soapbox" and proceeded to say, "George Floyd was a felon and his choices are probably what got him there, and if you choose to be lazy like most African American's choose to be then that is going to happen to you. Just like gay White men like to make excuses and act like bitches."</p> <p>Shortly thereafter, I emailed Lucas Laramore (Caucasian), Human Resources, to complain about Mr. Tippet's discriminatory comments. Mere days later, Nightingale terminated my employment under pretext.</p> <p>It is clear Nightingale terminated my employment due to its discriminatory animus towards my race and in retaliation for engaging in protected activity.</p> <p>Statement of Discrimination: I believe I have been discriminated against because of my race and retaliated against for reporting discrimination in violation of Title VII of the Civil Rights Act of 1964.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
07/16/2020 <u>Tabitha Obienu</u> Date Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Tabitha Obieniu**
4980 Wolf creek View
Atlanta, GA 30349

From: **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2020-06509

Robyn Conley,
Investigator

(470) 531-4779

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

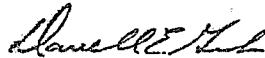
☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Darrell E. Graham,
District Director

12/14/2021

(Date Issued)

Enclosures(s)

CC:

Catherine M. Bowman, Esq.
The Bowman Law Office
7505 WATERS AVE
STE D3
Savannah, GA 31406

Gary Martoccio, Esq.
4890 W. Kennedy Blvd.
Suite 950
Tampa, FL 33609